

**REMARKS**

Claims 1-7, 9-22, and 24-26 stand rejected.

Claims 1-7, 9-22, and 24-26 are presently pending. In view of the following remarks, Applicant respectfully submits that all of the presently pending claims are allowable. Reconsideration of the Application is respectfully requested.

**1. Rejection of claims 1-2, 5 and 6 (35 U.S.C. § 102(b))**

Claims 1-2, 5 and 6 were rejected under 35 U.S.C. § 102(b), the Examiner alleging these claims are anticipated by U.S. Patent No. 5,628,684 to Bouedec ("Bouedec").

Bouedec generally describes a game system comprising an instant win game ticket, where the game ticket can be a win ticket or a lose ticket. If the game ticket is a win ticket, the win ticket may be presented at a game console, and the player allowed to participate in a second game. The second game may be, for example, a video game displayed on a game console and controlled by a computer at a central site. *See, e.g.*, Bouedec Abstract. A player accesses a second game 2 by inserting a win ticket T1g into the game console where identification information D1 is read and transmitted to the central computer. Access to Bouedec's video game may be provided as a prize for a winning game ticket.

Applicant's new game and game system may be based on a conventional instant lottery game, such as a scratch off ticket. The instant game plays in a manner generally similar to conventional scratch-off or other instant lottery games. However, when purchasing the instant ticket, players may be presented with the option to purchase a chance to participate in an extended play portion, e.g., a video lottery game. The extended play portion may be played after the instant lottery game has been played.

Applicant respectfully submits that claim 1 is not anticipated by Bouedec. To anticipate a claim, the reference must teach every element of the claim. *See* MPEP 2131. Applicant respectfully submits that, as discussed below, several elements of Applicant's claim 1 are absent from the cited Bouedec reference. The absence of even one of these

missing elements is fatal to the Examiner's position that Bouedec anticipates claim 1. Accordingly, the Section 102 rejection is improper, and should be withdrawn.

Claim 1 recites a lottery ticket with "concealed instant game information". Claim 1 also recites "a lottery ticket dispenser having a bar code reader to read the bar code on the lottery ticket *prior to the lottery ticket being dispensed by the dispenser*". The Examiner identifies Bouedec element 12 as allegedly being such a dispenser. In Bouedec, the only structure with a removable layer is the ticket T1. Ticket T1 is purchased from a retailer (see Bouedec 4:62-65). Bouedec's ticket T1 is **not** dispensed from either Bouedec's game terminal 12 or Bouedec's game console 10. Bouedec's game terminal 12 issues a receipt T2, not a lottery ticket that has a scratch-off or removable portion. The Applicant's disagrees with the Examiners position that Bouedec's game terminal 12 is a "lottery ticket dispenser" that dispenses the recited lottery ticket including the "concealed instant game information". Applicant submits that no such dispenser is described in Bouedec. Accordingly, claim 1 is not anticipated.

Moreover, even if Bouedec 10 or 12 were arguably the recited ticket dispensers, a position with which the Applicant disagrees, nothing that the Examiner argues is a ticket dispenser in Bouedec has a bar code reader which reads the recited lottery ticket "prior to the ticket being dispensed by the dispenser". Although both Bouedec 10 and Bouedec 12 are described as including some sort of reader, neither dispenses the recited ticket with instant win information, and neither reads information from the recited ticket with instant win information *prior to the ticket being dispensed*, as recited in claim 1. In fact, Bouedec 12, cited by the Examiner, does not receive or read the ticket T1 at all. The reader in game terminal 12 is used to read a receipt T2 that has already been issued. *See, e. g.*, Bouedec Fig. 2 (the receipt comes from f2 and is inserted in f3). T2 is nowhere described as including instant win information or a removable or scratch-off layer. All of the reading being done at game console 10 and game terminal 12 in Bouedec occurs after the ticket T1 has been provided to the player by a retailer, and in fact after the ticket T1 has been played by the player in Bouedec's game 1. Nothing in Bouedec teaches or suggests reading a bar code from the recited lottery ticket *prior to the lottery ticket being dispensed from the dispenser*.

Moreover, claim 1 further recites “a central computer system in communication with the lottery ticket dispenser and to receive *from the lottery ticket dispenser* the indication received from the player”. (As noted above, the recited lottery ticket dispenser dispenses the ticket with instant win information, recited earlier in claim 1.) The Examiner argues that the indication of a player’s choice to participate in an interactive game in Bouedec is the player inserting the ticket T1 in a slot in game console 10. However, T1 is not inserted in a “lottery ticket dispenser” that also dispensed the recited lottery ticket-- the ticket T1 is not dispensed by Bouedec’s game console 10, hence console 10 can not be the recited ticket dispenser. Accordingly, this element of claim 1 is entirely absent from Bouedec.

Finally, claim 1 recites that the lottery ticket includes “interactive game information”, and that the player plays the interactive game “based on the interactive game information”. The Examiner has not identified this information in Bouedec in the rejection of claim 1. Even if such information were arguably present on Bouedec’s T2, there is nothing that teaches or suggests that this information should be included on Bouedec’s T1. In contrast, Applicant’s claim 1 recites a lottery ticket that include both instant win information and interactive game information.

Accordingly, Bouedec does not anticipate Applicant’s claim 1 because it does not teach each and every feature of Applicant’s claim 1.

Claims 2,5, and 6 depend from claim 1 and thus should be allowable for at least the reasons given above for claim 1. Moreover, separately and independently, claim 2 recites a printer to print the interactive game information on the lottery ticket. As discussed above, the Examiner has not identified the interactive game information in Bouedec. Further, the “game receipt T2” cited by the Examiner is printed only after Bouedec’s second game. Receipt T2 is different than Bouedec’s ticket T1. T2 is not a lottery ticket including instant game information, and therefore cannot be the lottery ticket recited in claim 2, because the recited lottery ticket includes instant game information concealed by a removable portion. Accordingly, the information printed in Bouedec on T2 cannot be interactive game information printed on a lottery ticket with instant game information and used in the play of the second game as recited in claim 1 and included by dependency in claim 2. For at least

this additional reason, claim 2 is not anticipated by Bouedec.

For at least the above reasons, Applicant respectfully requests withdrawal the 35 U.S.C. § 102(b) rejection of claims 1, 2, 5, and 6.

**2. Rejection of claims 3,4, 9 and 12 (35 U.S.C. § 103(a))**

Claims 3, 4, 9 and 12 stand rejected under 35 U.S.C. § 103(a), the Examiner alleging that these claims are unpatentable over Bouedec in view of U.S. Patent Application 2001/0039210 to St. Denis ("St. Denis"). The Applicant respectfully traverses this rejection of these claims and submits that the rejection should be withdrawn for at least the following reasons.

As an initial matter, claims 3 and 4 depend from claim 1 and thus should be allowable for at least the reasons given above for claim 1.

Applicant also traverses the rejection of claim 9. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references must teach or suggest all the claim limitations. M.P.E.P. § 2143.03. Applicant respectfully submits that neither Bouedec nor St. Denis, alone or combination, teach or suggest all the limitations of the rejected claims.

Claim 9, directed to a lottery ticket, recites "an interactive game information portion for displaying interactive game information required by a player to play an interactive game". The Examiner cites Bouedec 2:7-9 as allegedly teaching this element. However, Bouedec does not teach or suggest that "interactive game information" is part of a lottery ticket that also includes the recited "removable portion to reveal instant game information". In particular, the cited portion of Bouedec refers to a win receipt – which is later identified as Bouedec's element T2. However, as discussed above, Bouedec element T2 is *not* an instant win lottery ticket and does not include a removable portion. Only Bouedec's ticket T1 has a removable portion. Thus Bouedec does not teach or suggest a lottery ticket that has both a removable portion concealing instant win game information and an interactive game information portion. The combination with St. Denis does not remedy this deficiency of Bouedec. Because the recited element is not present, Applicant respectfully submits neither

Bouedec, nor Bouedec plus St. Denis, renders Applicant's claim 9 obvious.

The Examiner argues that the instant win information and the interactive game information are interchangeable because "a winning instant game ticket is required to play an interactive game". While a winning instant game ticket may arguably be a prerequisite to playing Bouedec's second game, nothing in Bouedec indicates that Bouedec's instant ticket contains interactive games information used in the play of the second game. Accordingly, Applicant respectfully submits that Bouedec's first game and Bouedec's ticket T1 does not include "interactive game information as recited in Applicant's claim 9. Moreover, the recited interactive game information in Applicant's claim 9 must include an access code to be utilized by the player for playing the interactive game and an address to be utilized by the player for accessing the interactive game. These features are not part of Bouedec's ticket T1. Even if St. Denis arguably taught access codes and addresses, St. Denis does not teach providing them on an instant ticket. Adding these features to Bouedec's ticket T1 would fundamentally change the principle of operation of Bouedec's game which does not allow an instant ticket to be used to directly play an interactive game. (If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP 2243.01 (citing *In re Ratti*, 270 F.2d 810 (CCPA 1959).) In fact, Bouedec teaches away from this combination, touting the advantages of requiring his approach which does **not** let a player play and win the second game directly with the original ticket (see Bouedec 3:3-10).

Claim 12 recites "processing the player's selection of a lottery ticket, the lottery ticket including ... an interactive information required by the player in playing an interactive game and a removable portion concealing an instant game information." Applicant respectfully submits that this feature is not taught or suggested by Bouedec, or by Bouedec plus St. Denis, for reasons similar to those discussed above for claims 1 and 9.

The Examiner did not state a proper statutory basis for the rejection claims 10, 13-18, 20, 22, and 24-25. Applicant assumes that they were rejected over Bouedec in light of St. Denis, but respectfully requests the Examiner confirm this in his response to this paper.

Claim 10 depends from claim 9 and thus should be allowable for at least the same reasons as claim 9. Claim 13-18, 20 and 22 depend from claim 12 and thus should be allowable for at least the same reason as claim 12. Claim 24 depends from claim 1 and thus should be allowable for at least the same reasons as claim 1. Claim 25 depends from claim 12 and thus should be allowable for at least the same reasons as claim 12.

**3. Rejection of claims 11, 19, 20 and 26 (35 U.S.C. § 103(a))**

Claims 11, 19, 20, and 26 stand rejected under 35 U.S.C. § 103(a), the Examiner alleging that these claims are unpatentable over Bouedec and further in view of U.S. Patent Application 2001/0039210 to St. Denis ("St. Denis") and in further view of Burr 5,222,624. The Applicant respectfully traverses this rejection of these claims and submits that the rejection should be withdrawn for at least the following reasons.

Claim 11 depends ultimately depends from claim 9. Claims 19, 20 and 26 depend from claim 12. Thus, these claims should be allowable for at least the reasons given above for their respective parent claims.

Separately and independently, claim 26 recites that the interactive game information is printed on the lottery ticket in response to receiving an indication from the player indicating the player's choice to participate in the interactive game. The Examiner has not identified this feature in any of the cited references, either alone or in combination. Accordingly, Applicant respectfully submits that claim 26 is not obvious over the Examiner's proffered combination of references and should therefore be allowed.

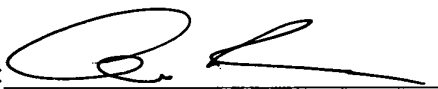
**CONCLUSION**

In view of the above remarks, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,  
KENYON & KENYON LLP

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